

**REMARKS**

Claims 2, 3 and 15-19 are pending in this application. By this Amendment, claim 4 is canceled without prejudice to or disclaimer of the subject matter recited therein. The specification, figures and claims 2, 5, 6, 15, 16 and 19 are amended. Claim 2 is amended to incorporate the allowable subject matter of canceled claim 4. Claims 16 and 19 are rewritten in independent form. Thus, no new matter is added.

**I. Telephone Interview**

Applicants appreciate the courtesies extended to Applicants' representative during the February 2 and March 27 telephone interviews. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

**II. Information Disclosure Statement**

The Office Action includes a request for Japanese references cited in paragraphs [0001] - [0004]. The references cited in paragraphs [0003] - [0007] were submitted on March 17, 2004, and are indicated as having been considered by the Examiner on December 21, 2005. The references cited in paragraph [0001] are submitted concurrently herewith in an Information Disclosure Statement.

**III. Allowed/Allowable Subject Matter**

The allowance of claims 10-14, as well as the indication of allowable subject matter in claims 4-7, 9 and 16-19 is appreciated. Claims 4-7 and 9 being allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. As the subject matter of allowable claim 4 is incorporated in independent claim 2, claims 2-9 are in condition for allowance.

Claims 16-19 are indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph (i.e., the rejection of claim 15) and to include all the features of their base claim and any intervening claims. As claim 15 is amended to address

the rejection under 35 U.S.C. §112, and claims 16 and 19 are rewritten in independent form, claims 16-19 are in condition for allowance. The remaining pending claims are in condition for allowance for the reasons discussed below.

#### **IV. Drawings**

The drawings are objected to under 37 C.F.R. §1.121(d). Specifically, it is alleged in the Office Action that "reference characters P-Q and L2 are not shown on the drawings."

Reference characters P, Q and L2 are clearly shown in FIG. 7.

FIG. 1 is amended to address the rejection to the drawings in FIG. 1.

It is alleged in the Office Action that reference character 2L is not shown in the drawings. Reference character 2L is shown in FIG. 5.

It is alleged in the Office Action that reference numeral 11 refers to different parts in FIG. 1 and FIG. 2. However, as FIG. 1 is amended as discussed above, the objection is moot.

It is indicated in the Office Action that the slot 71a shown in FIG. 10 and Figs. 8 and 9 are in different orientations and that it is not clear how the slot functions. Paragraph [0063] is amended in response to the objection. Moreover, as clearly recited in paragraph [0063], the switching lever passes through the slot.

A correction to FIG. 11 is requested. FIG. 11 is amended in response to the request.

It is alleged in the Office Action the reference character WL is not shown in the drawings. However, reference character WL is shown in FIG. 6.

It is alleged in the Office Action that reference characters z1 and z2 are not shown in the drawings. However, as these reference characters are clearly described in the specification as being detection values (i.e., variables) the characters z1 and z2 are not reference characters and therefore are not required to be shown in the drawings.

The drawings are also objected to under 37 C.F.R. §1.83(a) for allegedly failing to show every feature recited in the claims. Specifically, it is alleged that the "detectors of

claim 10" are not shown in the figures. Applicants submit that the "detectors" of claim 10 are clearly shown in the figures and are described in the specification, for example, as a brake switch 21 shown in FIG. 14 and a vehicle speed sensor 100 shown in FIG. 23. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

**V. Specification**

Paragraphs 4, 15 and 54 are each described in the objection to the specification as being "incomplete sentences." These paragraphs are amended in response to the objection as discussed during the March 27, 2006 telephone interview.

It is alleged that the phrase "Japanese character" and "shape" is not understood as recited in paragraph [0055]. The specification is amended in response to the objection.

Minor informalities are objected to in paragraphs [0067] and [0073]. These paragraphs are amended in response to the objections.

It is alleged in the Office Action that it is not clear what a "A-line shape" means as recited in paragraph [0084]. Paragraph [0084] describes the sectional view of FIG. 2. As described in paragraph [0084], and shown in FIG. 5, an A-shape is formed by the hydraulic cylinders 2, which are canted inwardly relative to the frame and axle central inward, such that their axes 12 form an A-line shape. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

**VI. Incorporation of Subject Matter by Reference**

It is alleged that paragraph [0114] includes incorporation of essential material in the specification by reference to a foreign application. This allegation was made previously in the parent application U.S. patent application 09/890,854. The specification of the parent application was amended to include the subject matter that is now recited at lines 10-17 of paragraph [0114]. This previous amendment was approved and the objection withdrawn in

the July 28, 2003, Office Action. Accordingly, it is understood that no further amendment or Action is required.

The specification is also objected to for allegedly failing to provide antecedent basis for claimed subject matter recited in claim 9 (the tolerances) and claim 10 (the control unit). Support for the recitation of "tolerances" in claim 9 may be found at least in paragraphs [0057] and [0095] and shown in FIG. 7. Support for the control unit of claim 10 may be found at least at paragraphs [0085] - [0090] of the specification. Accordingly, withdrawal of the objections to the specification is respectfully requested.

**VII. Claim Rejections Under 35 U.S.C. §112**

Claims 15-19 are rejected under 35 U.S.C. §112, second paragraph. Specifically, it is alleged that claim 15 requires recitation of "wherein" prior to recitation of "the hydraulic cylinders." As claim 15 is amended to address this rejection, withdrawal of the rejection of claims 15-19 under 35 U.S.C. §112 is respectfully requested. Moreover, as the claims are amended to address the rejection under 35 U.S.C. §112, allowable claims 16-19 are also in condition for allowance.

**VIII. Claim Rejections Under 35 U.S.C. §102**

Claims 2 and 8 are rejected under 35 U.S.C. §102(b) as anticipated by JP 09-030229 (JP '229). The rejection is respectfully traversed.

Independent claim 2 is amended to incorporate the subject matter of allowable claim 4. Accordingly, neither claim 2, nor its dependent claim 8, is anticipated by JP 229. Thus, withdrawal of the rejection is respectfully requested.

**IX. Claim Rejections Under 35 U.S.C. §103**

Claims 3 and 15 are rejected under 35 U.S.C. §103(a) as unpatentable over JP 229 in view of U.S. Patent No. 4,746,133 to Hanser et al. (Hanser). The rejection is respectfully traversed.

Claim 3 is allowable for at least its dependency on independent claim 2 for the reasons discussed above.

Neither JP 229 nor Hanser, whether considered alone or in combination, disclose or suggest each and every feature recited in independent claim 15 as amended. For example, the combination of references fails to disclose or suggest a wheeled excavator, comprising a suspension system; and a vehicle height adjustment system, wherein: the suspension system comprises . . . (f) a leveling unit that raises a vehicle height by supplying the pressure oil from the hydraulic source to the hydraulic circuit and lowers the vehicle height by discharging the pressure oil from the hydraulic circuit in response to operation by a user and functions as a stop valve to reduce oil leaks from the hydraulic circuit while not being operated by a user, with the stop valve having a function of blocking between the hydraulic circuit of the suspension system and a hydraulic circuit of the vehicle height adjustment system.

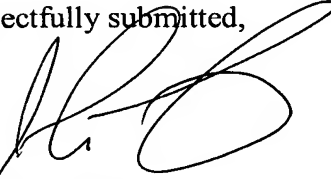
It is alleged in the Office Action that the pump 22 and the jack valve 56 of Hanser corresponds to the leveling unit recited in claim 15 that functions as a stop valve because "the valve in the combination would "reduce leaks" as opposed to some other system (i.e., a system with no seals)." However, the pump 22 and the valve 56 would not serve to reduce oil leaks from the hydraulic circuit while not being operated by a user. Moreover, the pump 22 and jack valve 56 do not provide a blocking between the hydraulic circuit of the suspension system and a hydraulic circuit of the vehicle height adjustment system, as recited in the claims as amended. Accordingly, withdrawal of the rejection of claims 3 and 15 is respectfully requested.

**X. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2, 3 and 15-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

John W. Fitzpatrick  
Registration No. 41,018

JAO:JWF/ldg

Date: March 27, 2006

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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**Amendments to the Drawings:**

The attached replacement drawing sheets makes changes to Figs. 1 and 11 and replaces the drawing sheets with Figs. 1 and 11.

Attachment: Replacement Sheet